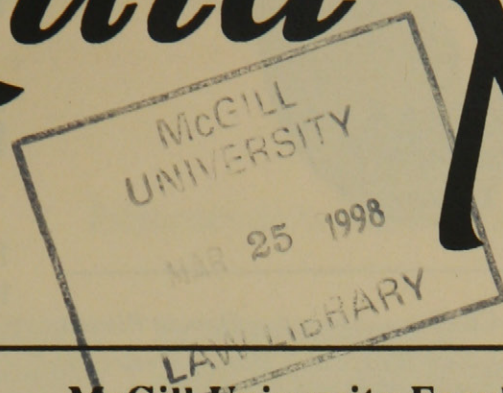




CRA

Quid Novi



Vol. XVIII, No. 22

McGill University Faculty of Law
Faculté de droit de l'Université McGill

March 23, 1998
le 23 mars 1998

Requiem for a heavyweight

DAVID WHITE
NAT IV

One of the reasons that I have always used an alias in writing these columns was to offer up the games as the important element here, and not necessarily my personal views. That is the way that I have always tried to structure things; my comments were but curds on the fries and gravy of the games. Now, however, I cannot help but rage against what I perceive to be a great weakness amid an otherwise exceptional intramural sports program here at McGill, and so I bid adieu to White Fisher for the moment.

From last week, you may recall my brief exposition with regard to an intramural program referee who seemed to

have it in for McGill Law hockey teams. Formal written complaints were lodged against this ref by at least two concerned parties at the Faculty, one being the President of the L.S.A. in his official capacity (and not as an affected defenceman). The product of these complaints and meetings with the McGill intramural coordinator was an assurance on his part that this referee would be dismissed from his position effective immediately. The coordinator expressed shame and regret that such an event should ever have to take place, and apologized to the Faculty for the obvious bias that was effected against it.

Quite suddenly, things changed. This ref went to

Last page

Top Ten Reasons Ariel Deckelbaum Is Getting Married

STEVEN LEITMAN
NAT IV AND UNENGAGED HOMBRE

- 10) Lucrative tax benefits of matrimony.
- 9) He learned that the prescription period on his relationship is just about up.
- 8) He needs a new casserole.
- 7) What better way to pad his sparse CV?
- 6) After seeing the Spice Girls skit, he knows what else is out there (by the way, Wade, you were really pretty).

- 5) The firm encourages marriage.
- 4) He just wanted a top ten dedicated to him.
- 3) He downloaded a great engagement ring from the internet.
- 2) He has a kick-ass Family Law summary.
- 1) One word: consummation.

Thank you Rena for your help

Announcement

On March 25, the Placement Office Luncheon Series continues with "From Associate to Partner: Real Life in the Law Firm", sponsored by Tory Tory Deslauriers, at 12:30 in room 201.



Research assistant

Professor Patrick Glenn would like to hire a research/administrative assistant to work on a number of projects this summer and during the next academic year. The work will be partly research, on a number of academic projects, and partly administrative, in the operation of a number of faculty projects involving international development (notably with Russia and China and on problems of international migration). Anyone interested should write to Professor Glenn indicating reasons for their interest, language capabilities, previous experience in international work and academic record.

Quid Novi
3661 Peel Street, Suite 15
Montreal, Quebec H3A 1X1
Canada
Tel: (514) 398-4430
Fax: (514) 398-8197
e-mail: quid@lsa.lan.mcgill.ca
web: <http://www.law.mcgill.ca/quid>

Editor-in-Chief	<i>Davide Pisanu</i>
Assistant Editor (English)	<i>Daniel Westreich</i>
Assistant Editors (French)	<i>Kristèle Younès</i>
	<i>Anne-Charlotte Martineau</i>
News Director	<i>Myriam Bohémier</i>
Layout Editor	<i>Mathieu Legris</i>
Financial Officer	<i>Grégoire Baillargeon</i>
Administrative Officer	<i>Martine Tremblay</i>

Quid Novi is published weekly by students at the Faculty of Law, McGill University. Production is made possible by support of the Dean's office and by direct funding from the students. Les opinions exprimées sont propres aux auteurs. Toute contribution doit indiquer l'auteur ou son origine et n'est publiée qu'à la discrétion du comité de rédaction.

Written contributions must be submitted in electronic form, in either Microsoft Word 6 or less or WordPerfect 6 or less. Disks or artwork can be left in the Quid Novi box in the LSA office or at the Quid Novi office. Written contributions can also be sent by e-mail. Deadline is each Wednesday at 12:00.

2

FAIRE DES PHOTOCOPIES
N'ENTRE PAS DANS VOTRE
CHAMP DE PRATIQUE?

Ambitieux? Débordant d'initiative? Vous cherchez l'encadrement et la latitude nécessaires pour passer de la théorie à la pratique? Un seul nom... deux en fait :

Langlois Gaudreau

S.E.N.C. A V O C A T S

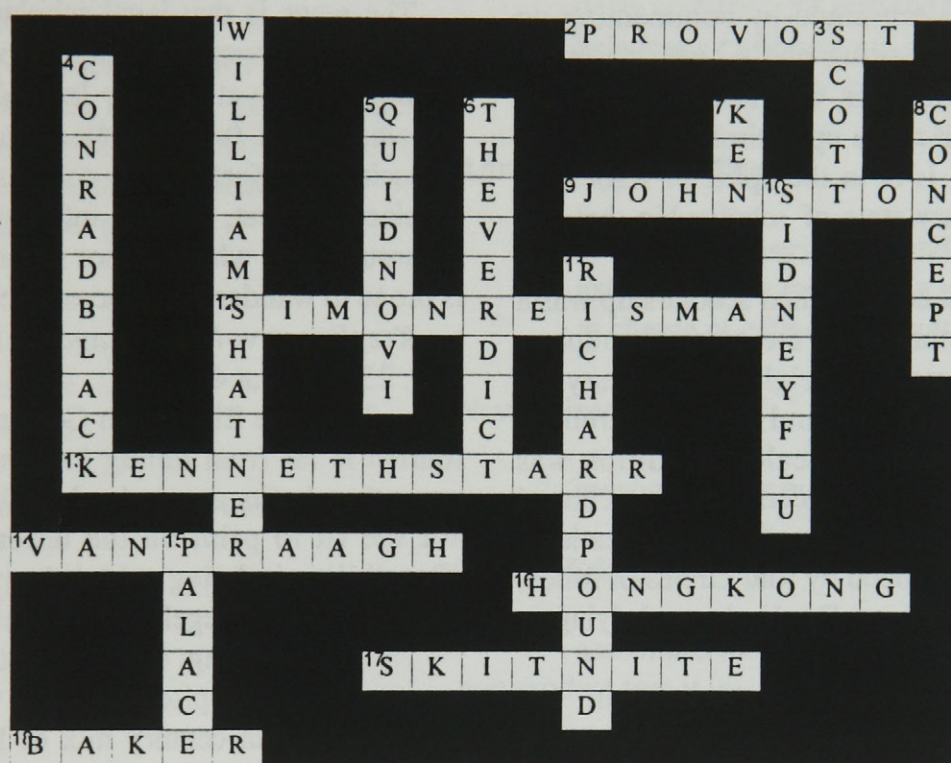
Montréal (514) 842-9512

Québec (418) 682-1212

Montmagny (418) 248-2383

THE MCGILL LAW JOURNAL PAGE

Réponses de la semaine dernière



ACROSS

2. Faculty Prof and new daddy
9. President, Harvard Board of Governors and Overseers
12. Canada's Free Trade Ambassador & McGill Grad
13. Procureur particulier de Bill Clinton
14. Professeur de la faculté et nouvelle mère
16. Le sujet du dernier numéro spécial de la Revue de Droit
17. Soirée récente de saoulerie et de honte
18. Coffee House-friendly professor

DOWN

1. Captain Kirk
3. "Send in the troops" advocate & animated professor
4. President of Angus Corp. & McGill Grad
5. L'extraordinaire rival hebdomadaire de la Revue de Droit de McGill
6. Great Paul Newman Lawyer flic
7. Law Faculty Computer Genius, known lovingly as...
8. One of two viruses affecting McGill Law students
10. L'autre virus touchant les étudiants en droit à McGill
11. VP, International Olympic Committee & former Law Journal Editor
15. Cinéma à deux piasses

A proud sponsor
of the Quid Novi
for 1997-98



McMaster Meighen

SOCIÉTÉ EN NOM COLLECTIF

Avocats

Fier de commanditer
le Quid Novi
pour 1997-98

THE MCGILL LAW JOURNAL PAGE

And now a word from our...

Mathias Milet, case comment "cowboy" editor

At a time when reputations are made by commenting on other people's texts rather than writing one's own, we at the McGill Law Journal hail G.W. Rabener, who has eliminated the middleman by producing a book made up entirely of footnotes, subtitled "Noten ohne Text". It is in the spirit of Rabener's commentary on the contemporary state of scholarship that this week's column is offered.

We begin with a glance at an age when scholarship was a rougher business than today, courtesy of the great biographer, Lytton Strachey: In the early years of the eighteenth century the life of learning was agitated, violent, and full of extremes. Everything about it was on the grand scale. Erudition was gigantic, controversies were frenzied, careers were punctuated by brutal triumphs, wild temerities, and dreadful mortifications. One sat, bent nearly double, surrounded by four circles of folios, living to edit Hesychius and confound Dr. Hody, and dying at last with a stomach half-full of sand.

These are not metaphors stretching the truth: a certain scholar's stomach did pour forth sand upon autopsy. Really.

But, as Lauren Bacall asked, "What's that got to do with the price of eggs?"

The news is that legal scholars can today breathe a sigh of relief. It is no longer the Eighteenth Century and no one contemplating working at the Law Journal need fear anything worse than a stomach half full of coffee grains. We are not hair-shirted masochists; in fact, we eat cookies. We believe that sobriety has its place but that, like the infamous doctrine of clogs, it is "like an unruly dog, which, if not securely chained to its own kennel, is prone to wander into places where it ought not to be."

Kreglinger v. New Patagonia Meat and Cold Storage [1914] A.C. 25 (H.L.) at 46.

With the Eighteenth Century scholarly austerity gone, the Journal is far from falling into the opposite trap: more wit and irony than befits an academic publication. That is why we did not see fit to print on the letterhead of letters of rejection: "Possibility is being which has the significance of also not being." (G.W.F. Hegel). It was felt that this would simply not be (a) consoling; (b) taken with the intended humour.

Despite setbacks, we strive for the perfect late twentieth-century mix of levity and gravity. The right tone and le mot juste is what we seek. In the meantime we are guided by the Chinese proverb: "The beginning of wisdom is calling things by their right name."

W
CROSS

R
D

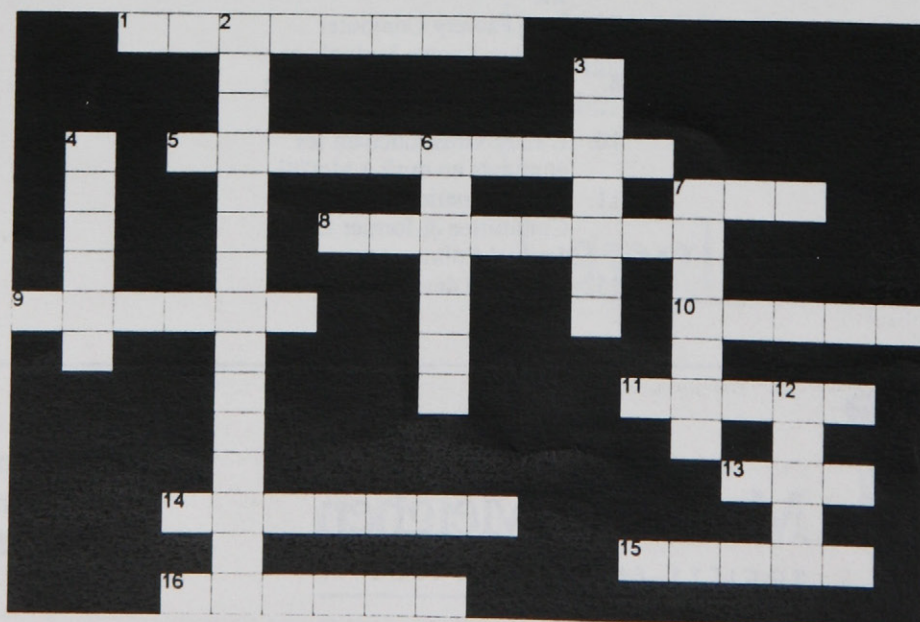
Presented by:
Jaime Levine
and
Pascal Ouimet

Across

Down

2. Canada's equivalent to the Harvard Blue Book
3. Our version of Sadie's
4. Fat burning local and Eastern spice homonym
6. Our very own Robin Williams & author of upcoming Journal article
7. Grandpa Simpson's favorite TV personality
12. Fifth Spice Grrrrl

1. Father of the International Declaration of Human Rights
5. "Now that's what I call believable testimony!" attorney
7. Cause entendue à Ottawa par des lève-tôt il y a quelques jours
8. Johnston dynasty's newest McGill wielder of power
9. Scandal-ridden Supreme Court new kid on the block
10. TV source to compensate for lack of practical course-work
11. Current prof who published his own articles as Law Journal Editor-in-Chief
13. Le prix pour être un couple échangiste au bar frappé par l'escouade de la moralité
14. Basement-dwelling food service provider
15. la raison du bruit et de l'amas de poussière au sous-sol du OCDH
16. Most exposed professor at Skit Nite



Quid 98/99

Après le McGill Law Journal et le LSA, c'est à notre tour d'orchestrer notre succession. Les candidatures doivent être envoyées avant le **Vendredi 27 Mars à midi**. Une candidature au Quid, c'est une liste de 10 signatures d'étudiant vous appuyant, un petit texte d'une dizaine de lignes décrivant vos qualifications et intérêts, et les postes pour lesquels vous voulez postuler. N'oubliez pas qu'on peut postuler pour plus d'un poste, mais qu'on ne peut, une fois membre de l'équipe du Quid, se représenter les années suivantes. Nous vous invitons donc tous à communiquer avec un des membres de l'équipe du Quid pour plus de renseignements, et à postuler en grand nombre. Votre candidature doit être déposée dans la boîte du Quid au LSA.

Voici une brève description des postes:

Editor-in-Chief:

- revises the edited submissions
- coordinates everyone's efforts
- chairs meetings
- in charge of financial matters along with the Financial Officer

Note: must be bilingual (as everyone should already be in the Faculty...)

Assistant Editor (English):

- edits English submissions
- helps with production

Assistant Editor (French):

- edits French submissions
- helps with production

Financial Officer:

- deals with finances
- deals with advertising (finding sponsors, billing them, follow-up, etc.)
- deals with the LSA and the bank
- balances a tight budget
- provides the yearly statement.

Administrative Officer:

- in charge of distribution and maintaining archives
- external communication (e.g. putting up notices)
- in charge of office organization

News Director:

- responsible for publicizing events in the Faculty

Layout Editor:

- assembles the package and makes the Quid the attractive product that it is

Web Editor: (we hope the Web page will be resurrected next year)

- in charge of the Web page



Nos Amours No More

BENJAMIN ARCHIBALD
LLBI

Jean Charest may be coming to Quebec, but the Expos may as well go straight to Virginia.

The Expos are "planning" to build a field of dreams in downtown Montreal, just south of the Molson Centre. This plan is merely a prelude to their exit from Montreal after years of mistreatment at the hands of the Olympic Installations Board (OIB) and the Montreal fans. The OIB was persistent in giving the Expos a bad lease, limited concessions and profit revenues, and little respect. As a result, the Expos lagged behind the rest of the league in terms of popular appeal and revenue.

These problems are compounded by a dismal political situation in Quebec, a weak dollar, and a Montreal mayor on prozac running the

city into the ground. It is a sad state of affairs that will be crystallized when the new stadium project fails and the Expos leave their unfriendly confines on Pierre de Coubertin Street.

The 32 million dollars raised by Claude Brochu leaves the team somewhat short of the 250 million dollar objective, yet he has formed an "executive committee" headed by Serge Savard in order to raise 68 million dollars by June the thirtieth.

Let's face it folks, we are doomed. Serge Savard was a good hockey player, but he is no Ken Dryden. After all, Serge drafted Doug Wickenheiser ahead of Denis Savard, and then proceeded to trade Chris Chelios for Denis Savard ten years later. Off to Virginia it is!

EQUITY ISSUES

One page on equity issues? It seemed like being asked to write a short article for the *Quid* presented me with the classic periodical writer's problem: enough column space to get into trouble, but nowhere near enough to get out of it. Moreover, an article on equity written by a Catholic fifth-generation white male western Canadian is just begging to be criticized, right?

I don't pretend to have a final answer, and I do not want to minimize or ignore the discrimination or hatred felt by anyone out there. I know that the discrimination felt by some people is stronger than

standing equity are too narrow. Human existence is far too rich to be labelled a political experience, and while equality is fundamentally important to human dignity, it is not enough to merely recognize the equal importance of both genders and all racial backgrounds: people are more than sex and genes and politics. Legislative attempts to deal with equitable problems have been ineffective because they treat the branches of the tree, and not the roots.

In other words, although people are individuals with biological realities, and can express group values through political processes, that's not the end of it.

Charter protects a person's right to worship, the meaning of that right is empty without the historical, ideological, spiritual, artistic, and intellectual context. Any real attempt to embrace equity must deal with this reality: human diversity is complex, and any attempt to treat it equitably must do so at the level of the affected individual or community's true subjective view.

An impossible task? Perhaps not. Assuming that there is an objective reality that can be understood between (or perhaps through) a diversity of perspectives, how does one do that? The task may be

Equity - what are we talking about?

6

BILL WAGNER
LL B II

others — that point was made abundantly clear the day that one of my younger brothers (who is of aboriginal descent) asked me "why is that kid *staring* at me like that?" I know my brother well enough to sense the deep anxiety apparent in his eyes and voice. And while I know that feeling such pain second-hand can never duplicate the actual experience, the profundity of his hurt is something I cannot forget. In other words, I know that my experience is subjective and limited, but I feel that I have something to add. Actually, that's the whole point of this column.

What do we mean by "equity"? Some might argue that equity is an essentially political notion, and that any singular political perspective is unhealthy. Others might view equity from a rights-based approach: all people have the same fundamental rights, so "equity" should be there to recognize and affirm them (most attempts in this area seem focused on racial and gender parity).

I'm arguing that both the political and rights-based perspectives for under-

standing equity are too narrow. Human existence is far too rich to be labelled a political experience, and while equality is fundamentally important to human dignity, it is not enough to merely recognize the equal importance of both genders and all racial backgrounds: people are more than sex and genes and politics. Legislative attempts to deal with equitable problems have been ineffective because they treat the branches of the tree, and not the roots.

Or it can, at least. Any true attempt at realizing equity must recognize something greater than equality of treatment or result. Equality of perspective is the true common denominator (and yes, recognizing an equality of perspective is a dangerous concept when treated simplistically; I am *not* saying that what each person feels at any given moment is equally true or valid, but rather that each individual's own imperfect view of the world can be reinterpreted in the light of other perspectives, yielding something greater the simple sum of the two viewpoints).

True equity acknowledges the value in diversity, and recognizes that no single individual or community perspective can dominate. History, ideology, spirituality, art, and intellect are all subjective in the particular eye in which they are beheld. So while it is fine to say that the

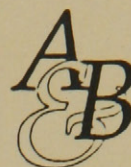
easier than it seems, as humanity already has a model to borrow from. *Language* is always a compilation of the historical, ideological, spiritual, artistic, and intellectual experience; individuals who speak the same language have an increased commonality of perspective and a means for relating to each other's experience. True equity demands a new meta-language: a vernacular for sharing experience, a commonality of perspective, a willingness to tolerate apparent conflicts, and a will to understand. Only such a meta-language is capable of reaching across the barriers dividing people today.

Life in a postmodern world seems to teach that there are no identifiable objective realities. However, that is not the same as saying that nothing is real. Although this article does not argue that this "basic five" approach for deconstructing humanity is the best foundation for developing an equitable meta-language, it does argue for a discussion about separating the objective truths in a person's experience from the way those truths have been expressed via an individual's comprehension of those truths.

Well, how should the rubber hit the road? By "meta-language", I'm talking

about a new culture of understanding, a common belief that sharing a diversity in perspective can lead to profound understanding. A general sense that there are some real truths out there, and our differences result only from different and imperfect construction, or are merely manifestations of our historical, ideological, spiritual, artistic, and intellectual experience (or whatever way you compile reality). The solution lies in talking around ideas about interpreting experience, and this article puts forth a step in that direction.

Doing justice to equity requires creating a new understanding between people, developing a new meta-language that encompasses a willingness to understand and profit from the differences in perspective, and realizes that only through understanding a plurality of subjectives can one arrive at a true objective reality.



AIRD & BERLIS

Barristers and Solicitors

Big firm or small firm? Having trouble making up your mind?

They each have their advantages.

We have the perfect solution.

At Aird & Berlis, we offer the opportunity to learn in a fast-paced, full-service Bay Street firm with upwards of 100 lawyers without sacrificing the support and collegiality characteristic of a small firm. If this sounds appealing, contact Kim Kovar at (416) 865-7769 or visit our website.

AIRD & BERLIS

Barristers and Solicitors

BCE Place, Suite 1800, Box 754, 181 Bay Street, Toronto, Ontario M5J 2T9

Tel: (416) 863-1500 Fax: (416) 863-1515

www.airdberlis.com

Affiliated with Owen, Bird • Vancouver

Martineau Walker

ADVOCATES

MONTREAL

Stock Exchange Tower

Suite 3400

800 Place-Victoria

Montreal, Canada H4Z 1E9

Telephone 514/397-7400

QUEBEC CITY

Immeuble Le Saint-Patrick

Suite 800

140, Grande Allée East

Quebec City, Canada G1R 5M8

Téléphone 418/640-2000

Fasken Martineau

Montreal

Quebec City

Toronto

Vancouver (Affiliated)

London

Requiem for a heavyweight

CONT'D FROM PAGE 1

talk with the coordinator, and what was already 'shameful and regretful' became an utter travesty. The coordinator caved in under the likely peer pressure being inflicted upon him by his Phys Ed buddies who constitute the heart and soul of the intramural administrivia. Our friendly neighbourhood ref was suspended for a week's worth of games, but the Faculty was assured that none of the games he would work upon his return would be a Faculty game. The ref was back on the ice as of Sunday, 15 March, a mere 9 days after his interference with the Spawn of Fagan game that contributed to that team's loss.

What more is there to say, really? For four years, I have watched Faculty teams play intramural sports and have generally enjoyed every minute, win or lose, because what I perceived to be occurring was fairly officiated. In all seriousness, I say God bless the existence of the Phys Ed department. But for them, who would take the time out of his or her personal life to be, of all things, a ref? I know it wouldn't be me. I get enough of whining inside the Faculty, let alone on the fields and rinks of the university. They have done and do a great job, standing in rain and mud for football games, following the play up and down the court in basketball, and having to pay attention through some truly tedious hockey. When they make mistakes, they tend to be genuine and of no real consequence, although they always hear about it from knuckleheads like me.

It is only against this background that I can judge the current fiasco in intramural hockey, and so I cannot help but condemn the actions of the coordinator, not only as a fan of sports in general, but also on behalf of those intramural officials who do a hell of a job for us. This seeming inability to

March Madness, Part Deux

WHITE FISHER
NAT IV

Some capsule reviews on this occasion, folks, as chances are you've already heard enough of me this week. As further testament to my journalistic skills, I gave thanks to J.P. Murdoch for playing on Spawn of Fagan, when in fact he played, and continues to play, on Semper Tyrannis. As I've said many times before: If they paid me to do this, they wouldn't be paying for long.

That very Semper Tyrannis team took to the ice on Friday the 13th to face the M.B.A. team in a single elimination game. Semper emerged victorious by a score of 4-0, the shutout going to an outstanding Olivier Belfour in nets. Goals by Spanier, Heisler (sp?), Olthuis and a mystery individual. Quite a number of fans out at this one; damn near a record in fact. Thanks for coming out to Elise Renaud, Sonia Han, Dean Taylor, Liz Drent, Catherine Purdon, Wytold Tymowski and Mark Luz. Apparently everyone sucks.

Malum in Se played game two of their round robin on Sunday night as I sat sipping a Guinness in McLean's. Seems my assistant forgot to remind me of their game. They tied in a nice last minute comeback on a goal scored by Sharon Johnston, making them 1-0-1 for the tournament so far.

The Prosecutors faced ultra-

take and maintain a stand against a gross case of bias and misuse of authority single-handedly destroys the reputation of the McGill intramural program in the eyes of many a player and spectator. What ref will now be able to make that tough call with the assurance - built through a straightforward adherence to sportsmanship, fair play and trust in officials to safeguard the same - that each player in the game will respect it in spite of their grumbling? If bias is to be tolerated and not extinguished, then what is to prevent it from

arch-rivals Wiggum's Warriors Monday night. I give them that particular qualifier as their roster includes that damn ref all the fuss has been made about. Well, that old boy came out to play, scoring two nice goals against our Pros. But our Pros were also set to play, and responded with TEN goals of their own. So quickly did the Pros run up the score that this reporter was unable to keep track of who scored everything; I will no doubt be reminded shortly after the omitted party reads this. Here's who I did get: David Pickwood (3 goals, at least 1 assist); "Downtown" Wade Dougherty on a pass from Pete Wiazowski; either Steve Kelly on a blue line slapper or Luke Carsley deflecting same; Conor Fitzpatrick from Pickwood; Luke Carsley making like Mike Modano, waiting and waiting until the Warriors' goalie was flat on his back; Dan Elie on a breakaway at 21:30 of the second to slap old laughing boy in the puss. Excellent defensive work by Kelly, Marc Labrom and Pickwood, and by all the forwards coming back to help out. Loquacious Louis Boivin stood on his head. Everyone showed just how good this team can be. Future's so bright, gotta wear shades.

Stay tuned for further reports from your Man at McConnell. God, I love this game!

- David White, Nat. IV

being fostered? What stands in the way of every ref giving every available break to his or her friends playing in the game being officiated? In the past, it was what I shall term the pride of the McGill intramural program. Unfortunately, in the case before us now, that pride and all it entailed has been compromised in the name of saving personal face, and perhaps even tarnished irreparably. And that, my friends, more than any individual loss, is the real catastrophe here.